

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CLAUDE MASSIAH and NATALIE MIELES,  
individually and on behalf all others similarly  
situated,

Plaintiffs,

v.

METROPLUS HEALTH PLAN, INC. and NEW  
YORK CITY HEALTH AND HOSPITALS  
CORPORATION,

Defendants.

No. 11-cv-05669 (BMC)

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF  
SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS,  
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND  
APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT AND CLASS ACTION  
SETTLEMENT PROCEDURE**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of the Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval") and in the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Preliminary Approval ("Swartz Decl."), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release ("Settlement Agreement"), attached as Exhibit A to the Swartz Decl.;
- (2) approving Plaintiffs' Proposed Notice of Settlement of Class Action Lawsuit and Fairness Hearing, attached as Exhibit B to the Swartz Declaration, and directing its distribution;
- (5) approving Plaintiffs' proposed schedule for final settlement approval;

(6) granting such other, further, or different relief as the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as Exhibit A, for the Court's convenience.

Dated: July 19, 2012  
New York, New York

Respectfully submitted,  
**OUTTEN & GOLDEN LLP**

/s/ Justin M. Swartz

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